

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PROPOSED TARIFF FILING OF SOUTH)	
CENTRAL BELL TELEPHONE COMPANY TO)	
PROMOTE CUSTOM CALLING SERVICE)	CASE NO. 92-258
FEATURES AND MESSAGE WAITING)	
INDICATION)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc., d/b/a South Central Bell Telephone Company ("South Central Bell"), filed June 23, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost information filed in support of South Central Bell's proposed tariff on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

In this proceeding, South Central Bell introduces revisions to its published tariff for the purpose of promoting certain features of its services. In support of the revisions, South Central Bell has filed a cost study which it seeks to protect as confidential.

The information sought to be protected is not known outside of South Central Bell and is not disseminated within South Central Bell except to those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to

preserve and protect the confidentiality of the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 10 categories of information. One category exempted in subparagraph (b) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

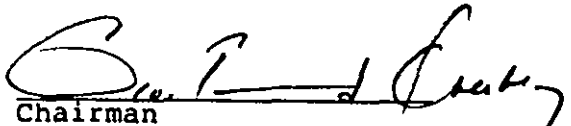
The features covered by the proposed revisions are similar to features offered by providers of customer premises equipment and PBX systems. The demand and resulting cost information shown in the study would indicate to such competitors which markets within South Central Bell's territory are the most lucrative and which are not profitable. This information could be used by the competitors in marketing their own services. Therefore, disclosure of the information is likely to cause South Central Bell competitive injury and the information should be protected as confidential.

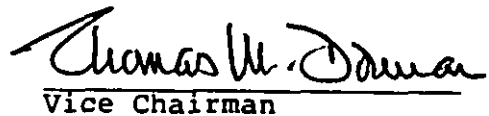
This Commission being otherwise sufficiently advised,

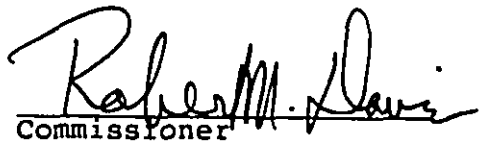
IT IS ORDERED that the cost information filed in support of South Central Bell's proposed revisions to its tariff, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 6th day of August, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director